761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: November 4, 2008

OFFICE CORRESPONDENCE FILE NO. FO2219021

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY LILIANA ECKENRODE #[redacted]
DEPUTY EDGAR PAYAN-ACOSTA #[redacted]
LAKEWOOD STATION

On April 27, 2008, Deputy Eckenrode saw Suspect Lee in a car located in a high narcotics area in Bellflower. She also saw another male, she recognized as a known narcotics user, standing next to the suspect. Deputy Eckenrode contacted the suspect and the other male.

Deputy Payan stopped to assist Deputy Eckenrode. She saw the suspect appeared to be under the influence of a stimulant. She conducted a pat down search of the suspect for weapons, then escorted him to her patrol car. The suspect broke free from her grasp and ran. Both Deputies Eckenrode and Payan initiated a foot pursuit of the suspect for approximately 100 yards, when he tripped and fell to the ground.

Deputy Payan ordered the suspect to stay on the ground. The suspect refused to comply and Deputy Payan sprayed him with his Freeze Plus P spray. The suspect continued to flee. At this time, Deputy Eckenrode kicked the suspect in the shin. Deputy Eckenrode grabbed the suspect to stop him, but they both fell to the ground. While on the ground, the suspect swung his left arm trying to strike Deputy Eckenrode. She kneed the suspect six to seven times in his left ribs and struck him four times in the face with her fist. While this fight was occurring, Deputy Payan struck the suspect once on the right shin with his baton to make him stop fighting. The two deputies handcuffed him without further incident.

Suspect Lee was treated at Tri-City Hospital for a broken left wrist and a broken left rib. He also had abrasions to both knees and his right shin.

On October 30, 2008, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Lilianan Eckenrode #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Edgar Payan-Acosta #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW:yw

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 408-80328-1334-184 | Date: 4/27/08 | Time: 2030 hours

Location: [redacted] Alondra Boulevard | City or Station: Bellflower

Bureau/Station/Facility: Lakewood Station / F.O.R. III | Admin. Investigation: YES ☐ NO ☒

Type of Force: Significant - Control Hold, Oleoresin Capsicum, Personal Weapon, Impact Weapon

Deputy Injury: YES ☐ NO ☒ | Suspect Injury YES ☒ NO ☐

☐ Call | ☒ Observation | ☐ Detail | ☒ Foot Pursuit | ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Lieutenant Don Slawson | Emp: [redacted] | IAB Roll Out: YES ☒ NO ☐

Involved Employee

E 1

Employee #: [redacted] | Last Name: Eckenrode, | First Name: Lilliana | Middle Name:

Sex: ☐ Male ☒ Female | Race: Hispanic | Unit of Assignment: Lakewood Station | Work Assignment (Unit #, Module, etc.): 133E

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5'8" | Weight: 160 lbs

☐ Injured ☐ Treated ☐ Admitted | Hospital: N/A | Coroner Case #: N/A | Directed Force ☐ | Significant Force ☒

E 2

Employee #: [redacted] | Last Name: Payan-Acosta, | First Name: Edgar | Middle Name: O.

Sex: ☒ Male ☐ Female | Race: Hispanic | Unit of Assignment: Lakewood Station | Work Assignment (Unit #, Module, etc.): 133F

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5'8" | Weight: 185 lbs

☐ Injured ☐ Treated ☐ Admitted | Hospital: N/A | Coroner Case #: N/A | Directed Force ☐ | Significant Force ☒

E_

Employee #: | Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted | Hospital: | Coroner Case #: | Directed Force ☐ | Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Green,	Michael		Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☒ NO ☐	YES ☒ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Vranek,	Steven	J.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Barnett,	Joel	L.

Don M. Slawson | | [redacted] | 9/9/08

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

[redacted] | [redacted] | [redacted] | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 12/07)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
408 - 80328 - 1334 - 184

Suspect Information

S 1

Last Name: Lee,	First Name: John	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☒ Male ☐ Female	Race: Asian	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]

Work Phone: None	Home Phone: None	Age: 43	Height: 5'11"	D.O.B. 03/28/1965	Weight: 190 lbs	Armed? ☐

Booking #: 1451368 Primary Charge Code: 11378 HS Secondary Charge Code: 11550(a) HS Criminal History ☒

EMT in attendance? ☒ YES ☐ NO Name: Los Angeles County Fire Unit: Station #23 Phone #: 323-881-2455

Hospital Admission? ☒ Rec'd Treatment At: Tri-City Regional Medical Center Coroner Case #: Mental History ☐

By Doctor: Dr. Castillo Address: 21530 S. Pioneer Blvd. Hawaiian Gardens, CA 90716 Phone #: 562-860-0401

Under Influence: ☒ YES ☐ NO Substance: Stimulant Mental Illness ☐

Date: 04/28/2008	Time: 0842 hrs	Audiotape: ☒	Videotape: ☒	Photos of Injuries: ☒

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: Mental Illness: ☐

Date:	Time:	Audiotape: ☐	Videotape: ☐	Photos of Injuries: ☐

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: Mental Illness ☐

Date:	Time:	Audiotape: ☐	Videotape: ☐	Photos of Injuries: ☐

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force

408 - 80328 - 1334 - 184

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
John Lee	S#1	Lillian Eckenrode	E#1	RS	NN	NN
John Lee	S#1	Lillian Eckenrode	E#1	PH	NN	NN
John Lee	S#1	Edgar Payan-Acosta	E#2	UC	NN	NN
John Lee	S#1	Edgar Payan-Acosta	E#2	RS	NN	NN
Lillian Eckenrode	E#1	John Lee	S#1	CT	NN	NN
Lillian Eckenrode	E#1	John Lee	S#1	PK	NN	NN
Lillian Eckenrode	E#1	John Lee	S#1	PK	FR	CH
Lillian Eckenrode	E#1	John Lee	S#1	RH	NN	NN
Edgar Payan-Acosta	E#2	John Lee	S#1	OC	NN	NN
Edgar Payan-Acosta	E#2	John Lee	S#1	CT	NN	NN
Edgar Payan-Acosta	E#2	John Lee	S#1	BI	LC	LE
Edgar Payan-Acosta	E#2	John Lee	S#1	RH	NN	NN

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB CASE #FO2219021

TYPE OF INCIDENT: **Significant Use of Force**

DATE / DAY / TIME: **April 27, 2008 / Sunday / 2030 Hours**

LOCATION: [redacted] **Alondra Boulevard, Bellflower**

DATE OF DEPARTMENT KNOWLEDGE: **April 27, 2008**

URN: **408-80328-1334-184**

IAB INVESTIGATOR: **Sergeant** [redacted]

SYNOPSIS

On April 27, 2008, at approximately 2030 hours, Deputy Liliana Eckenrode was working Lakewood Station unit 133E, in the city of Bellflower. While on patrol she saw Suspect John Lee, who was inside of a parked car in the parking lot of "[redacted]" which is in a high narcotics trafficking area. Deputy Eckenrode saw another male, who she recognized as a known narcotics user from past contacts, standing next to Suspect Lee. Believing narcotics activity may be taking place, Deputy Eckenrode contacted Suspect Lee and the other male.

Deputy Edgar Payan-Acosta, who was working Lakewood Station unit 133F, was driving by the location, saw Deputy Eckenrode in the parking lot. Deputy Payan-Acosta stopped to assist. When Deputy Eckenrode contacted Suspect Lee, she noticed he was exhibiting symptoms of being under the influence of a stimulant. She had Suspect Lee exit his vehicle, conducted a pat down search for weapons, and then began to escort him to her radio car to conduct further tests. As she did so, Suspect Lee broke free from her grasp and ran. Both Deputy Eckenrode and Payan-Acosta initiated a foot pursuit of Suspect Lee. After running approximately 100 yards, Suspect Lee tripped and fell to the ground, breaking his fall with his outstretched hands.

Deputy Payan-Acosta arrived at the spot where Suspect Lee fell and ordered him to stay on the ground. Suspect Lee refused this order and Deputy Payan-Acosta sprayed him with his Freeze Plus P spray. Suspect Lee continued to get up and walk away from Deputy Payan-Acosta. At this time, Deputy Eckenrode arrived and kicked Suspect Lee in the shin. She also grabbed Suspect Lee and attempted to stop him from fleeing, however, they both fell to the ground. There, Suspect Lee began to swing his left arm trying to strike Deputy Eckenrode. She in turn kneed Suspect Lee approximately six to seven times in the left rib cage area and struck him four times in the face with her fist. While this was occurring, Deputy Payan-Acosta struck Suspect Lee once on the right shin

with his baton in an attempt to make him stop fighting. Ultimately, Suspect Lee stopped resisting and the two deputies were able to successfully handcuff him.

Suspect Lee was transported to Tri-City Hospital where he was treated by Doctor Castillo. It was found that Suspect Lee suffered a broken left wrist and a broken left rib. He also had abrasions to both knees and his right shin. Deputies were not injured as a result of this incident.

INVOLVED PERSONNEL

Deputy Liliana Eckenrode #[redacted]
Unit of Assignment: Lakewood Station
Date of Employment: December 02, 1999
Date Assigned to Unit: March 18, 2007
Prior Founded Use of Force: [redacted]

Deputy Edgar Payan-Acosta #[redacted]
Unit of Assignment: Lakewood Station
Date of Employment: August 10, 2005
Date Assigned to Unit: August 26, 2007
Prior Founded Use of Force: [redacted]

SUSPECT

John Lee
Sex: Male
Race: Korean
Date of Birth: March 28, 1965
Booking #: 1451368
Charge(s): 11378 H&S - Possession of Controlled Substance for Sales
11357 H&S - Possession of Marijuana, Less Than One Ounce
11550 H&S - Being Under the Influence of a Controlled Substance, Stimulant
243(b) PC - Assault on a Peace Officer
Injury: Abrasions on Both Knees and Right Shin, Fractured Left Wrist, and Fractured Left Rib

WITNESSES

[redacted]
Male / White / DOB: [redacted]
Cell Phone: [redacted]

INVOLVED PERSONNEL STATEMENTS

Both deputies involved in this incident were interviewed by Sergeants [redacted]nd Yolanda Clay of the Internal Affairs Bureau. Both deputies were represented by Deborah Schild of the Law Firm of Green and Shinee. All interviews were digitally recorded.

Deputy Liliana Eckenrode:

Deputy Eckenrode has been employed by the sheriff's department for [redacted] She is currently assigned to Lakewood Station patrol and has been so assigned for about [redacted]

Deputy Eckenrode said she was patrolling in the area of "[redacted]" when she saw Suspect Lee sitting inside of a white Isuzu Rodeo, sport utility vehicle, which was parked in the parking lot. She also saw a male White (later identified as Witness [redacted] standing next to the driver's side of the vehicle. Deputy Eckenrode suspected that Suspect Lee and Witness [redacted] were involved in a narcotics transaction because that area, more specifically in the bar parking lot, was well known for narcotics trafficking, coupled with the fact that Deputy Eckenrode has contacted Witness [redacted] numerous times in the past for narcotics activity. At that moment, Deputy Eckenrode saw Deputy Payan-Acosta approaching her in his patrol vehicle. Therefore, Deputy [redacted] detained both of them to enable a narcotics investigation.

> ***IAB Note:*** *Deputy Eckenrode's police car was parked directly behind Suspect Lee's car, which was facing southbound in the first parking stall directly in front of the bar. Deputy Payan-Acosta's car was parked behind Deputy Eckenrode's car.*

Deputy Eckenrode said Deputy Payan-Acosta escorted Witness [redacted] and placed him in the rear seat of her (Eckenrode's) police car while Deputy Eckenrode remained talking to Suspect Lee. Deputy Eckenrode saw that Suspect Lee displayed symptoms of being under the influence of a stimulant. She asked Suspect Lee to exit the car. Suspect Lee exited the car and Deputy Eckenrode conducted a pat down search of his person.

Deputy Eckenrode said after the pat down search for weapons, she grabbed Suspect Lee's hands, which were behind his back, with her left hand and began walking toward her police car. Suspect Lee's fingers were interlaced behind his back. Deputy Eckenrode was on his right side and slightly behind him. Deputy Eckenrode said she felt Suspect Lee's arms tense up and he became very nervous. Deputy Eckenrode asked Suspect Lee if he had any narcotics in his car. Suspect Lee said he had some marijuana in his car. Deputy Eckenrode asked Suspect Lee how much marijuana he had. At that point, Suspect Lee suddenly pulled his arms apart, which caused her to lose her grip on his hands. Suspect Lee, all in one motion, swung his right arm back toward her but he did not hit her. Simultaneously, Suspect Lee said, "Fuck that!" and began running west in the parking lot toward Bonfair Avenue.

Deputy Eckenrode said immediately after Suspect Lee started running, Deputy Payan-Acosta advised Sheriff's Communications Center, via a handheld radio, that they were in foot pursuit.

Suspect Lee continued to run south on Bonfair Avenue as the deputies gave chase. Deputy Eckenrode soon realized that Deputy Payan-Acosta was not too familiar with the area so she slowed down and took over the radio broadcast. Deputy Payan-Acosta passed her and continued to run after Suspect Lee as Deputy Eckenrode began setting up a containment. Deputy Eckenrode said she maintained a constant visual of Deputy Payan-Acosta and she was no further than twenty five feet behind him during the entire foot pursuit.

Deputy Eckenrode said as Suspect Lee reached Harvard Street, which is one street south of "[redacted]" the suspect fell onto the ground. Suspect Lee quickly got back up and he started walking away at a quick pace. Deputy Eckenrode said she smelled the odor of pepper spray but she did not see Deputy Payan-Acosta spray the suspect. She said even if Deputy Payan-Acosta had sprayed him, it did not appear to have affected the suspect.

Deputy Eckenrode said she approached Deputy Payan-Acosta, who was ordering Suspect Lee to get back onto the ground. Suspect Lee, however, refused to comply. Deputy Eckenrode also yelled at Suspect Lee to get on the ground and submit but Suspect Lee refused to comply by saying, No!" Suspect Lee then turned toward the deputies with his hands clenched in a fist. Fearing that Suspect Lee was about to assault her and/or Deputy Payan-Acosta, Deputy Eckenrode kicked Suspect Lee's right shin area. She then quickly grabbed Suspect Lee's right arm as Deputy Payan-Acosta tried to grab the left arm. However, Suspect Lee swung his left arm at Deputy Eckenrode in an attempt to hit her.

> ***IAB Note:*** *Deputy Eckenrode was wearing "Danner" type boots at the time of this incident.*

Deputy Eckenrode said Deputy Payan-Acosta was able to grab Suspect Lee's left arm but the struggle to control the suspect continued because he kept resisting. Suspect Lee tried to break free from the deputies' grasp by pulling and pushing his arms back and forth. During the struggle, Suspect Lee fell onto the ground. Deputy Eckenrode said she also fell and landed on top of the suspect near his left torso area.

Deputy Eckenrode said Suspect Lee continued to resist and tried to get away. He swung his arms at her trying to hit her. Deputy Eckenrode said she then struck Suspect Lee, using her right knee, six to seven times in his left torso area in order to stop the suspect from resisting. Suspect Lee continued to resist and at some point turned onto his stomach. Suspect Lee tucked his hands under him and refused to give up. Deputy Eckenrode, who believed Suspect Lee was under the influence of narcotics coupled with his violent behavior, feared that he would assault her and her partner. In order to stop Suspect Lee from resisting and being assaultive, Deputy Eckenrode struck Suspect Lee eight to nine times in his right torso, using her right knee. She also punched Suspect Lee about four times in his face, using her right fist.

Deputy Eckenrode said she saw Deputy Payan-Acosta at Suspect Lee's left side trying to get the suspect's left arm from under him. Deputy Payan-Acosta was finally able to get the left arm out and

handcuff it. Soon after that, Deputy Eckenrode was able to get Suspect Lee's right arm out from under him and completed the handcuffing. After Suspect Lee was handcuffed, she requested paramedics to respond to treat the suspect for his injuries. She then notified her supervisor, Sergeant Michael Green, regarding her use of force.

Deputy Eckenrode said she advised dispatch, during the struggle with Suspect Lee, that she and Deputy Payan-Acosta were involved in a fight.

Deputy Eckenrode said she had her flashlight and her expandable baton available during this incident. However, she chose not to use them due to the close proximity between her, the suspect and Deputy Payan-Acosta during the struggle. She felt they would be ineffective tools to use under the circumstances. She also chose not to use her pepper spray because she feared she and Deputy Payan-Acosta would be affected by the spray.

Refer to Deputy Eckenrode's interview transcript and recording under Lucid job number 23786.

> ***IAB Note:*** *Deputy Eckenrode prepared an incident report, under the file number 408-80328-1334-184. A copy of the report is included in this investigation as* ***Exhibit A****.*

Deputy Edgar Payan-Acosta:
Deputy Payan-Acosta has been employed by the Sheriff's Department for [redacted] He is currently assigned to Lakewood Station and has been so assigned for about [redacted]

Deputy Payan-Acosta said he was patrolling in the area of Alondra Boulevard and Bonfair Avenue when he saw Deputy Eckenrode talking to two individuals in "[redacted]" parking lot. Deputy Payan-Acosta approached Deputy Eckenrode to assist her.

Deputy Payan-Acosta said Deputy Eckenrode asked him to detain Witness [redacted]. Deputy Payan-Acosta recognized Witness [redacted] from arresting him in the past for possession of methamphetamine. Deputy Payan-Acosta conducted a pat down search of Witness [redacted] and placed him in the rear seat of Deputy Eckenrode's police car, which was closest to him. Deputy Eckenrode remained next to Suspect Lee's car.

Deputy Payan-Acosta said the next thing he saw was Deputy Eckenrode escorting Suspect Lee toward the radio cars. He heard Deputy Eckenrode ask the suspect if he had anything illegal in the car. Suspect Lee said he had some marijuana in his car. Suspect Lee became very fidgety and nervous. Suddenly, Suspect Lee broke free from Deputy Eckenrode's grasp and swung his arm toward her. Suspect Lee then began running west in the parking lot toward Bonfair Avenue.

Deputy Payan-Acosta said he immediately broadcasted, via his sheriff's radio, that he and Deputy Eckenrode were in foot pursuit of the suspect. As Suspect Lee turned south on Bonfair Avenue, Deputy Payan-Acosta could not remember what street that was. Therefore, he told Deputy Eckenrode to put out their location and set up a containment. Deputy Eckenrode took over the radio broadcast as he continued to chase the suspect south on Bonfair Avenue. Deputy Payan-Acosta said

he knew that Deputy Eckenrode was right behind him because he could hear her voice as she set up the containment and her running foot steps.

Deputy Payan-Acosta said as Suspect Lee approached Harvard Street, he saw the suspect trip and fall onto the ground. As Deputy Payan-Acosta closed in on the suspect, he ordered the suspect to stay down on the ground. Suspect Lee refused to comply tried to get up. Therefore, Deputy payan-Acosta sprayed him with a three to five second burst of his Freeze Plus-P.

Deputy Payan-Acosta said the spray did not have any effect on Suspect Lee. The suspect got back up and began walking away. At that point, Deputy Eckenrode arrived and kicked him in the right shin area. Deputy Payan-Acosta tried to grab Suspect Lee's arm but he started to resist and a struggle ensued. Deputy Payan-Acosta could not remember which arm he tried to grab. Deputy Eckenrode grabbed Suspect Lee's other arm and continued to struggle. During the struggle to control the suspect, Suspect Lee and Deputy Eckenrode fell onto the ground. Deputy Eckenrode landed on top the suspect. Suspect Lee continued to resist and became assaultive. Deputy Payan-Acosta said he chose not to spray the suspect again nor the TASER because he knew that the first burst did not have any effect and Deputy Eckenrode was now too close to the suspect. Therefore, he said his next option was to strike the suspect with his baton. Deputy Payan-Acosta hit the suspect's shin with his baton but it too had no effect. Deputy Payan-Acosta saw Deputy Eckenrode knee Suspect Lee in the upper torso/rib area several times. He also saw her punch the suspect in the face several times. All these strikes seemed to have very little effect on the suspect.

During the struggle, Suspect Lee turned onto his stomach with his arms tucked under him. After a struggle to get his arms out, Deputy Payan-Acosta finally got it out and handcuffed the left wrist. Soon after that, Deputy Eckenrode was able to get the suspect's right arm out and they completed the handcuffing.

Deputy Payan-Acosta said other units arrived soon after Suspect Lee was handcuffed. Deputy Payan-Acosta reported his involvement in the use of force to Sergeant Green at the scene.

Refer to Deputy Payan-Acosta's interview transcript and recording under Lucid job number 23787.

> ***IAB Note:*** *Deputy Payan-Acosta prepared a supplementary report, under the file number 408-80328-1334-184. A copy of his report is included in this investigation as **Exhibit B.***

SUSPECT STATEMENT

John Lee:
Suspect Lee was interviewed by Sergeant [redacted] The interview was conducted at Lakewood Station interview room on April 28, 2008. The interview was digitally recorded and downloaded in Lucid under job number 23107.

Suspect Lee said he was sitting in his car in the parking lot of the bar when the female and male deputy contacted him. He said there was no one else around his car. The female deputy asked him to step out of the car and he complied. The female deputy searched him and asked him if she could

search his car. She told him that she was going to place him in the rear seat of the police car before she started searching the car. The female deputy escorted him toward a police car. He had his hands behind his back as the female deputy grabbed onto his fingers as they walked toward the police car.

Suspect Lee said as they walked toward the police car, he broke free from the female deputy's grip and started to run. The female and male deputies chased him on Bonfair Avenue. Suspect Lee said the deputies yelled at him to stop running but he continued to flee.

Suspect Lee said as he approached a cross street on Bonfair Avenue, he fell onto the ground. As he was falling he extended his hands in front of him to break the fall and landed in his hands. He said the fall allowed the deputies to catch up to him. Suspect Lee said he immediately got back up and stood there. Deputies were yelling at him, "Get down, get down!" Suspect Lee said he was confused so he moved a bit slow in responding to the deputies' commands. At one point, the male deputy pepper sprayed him but missed his face.

Suspect Lee said he eventually got back down onto the ground. The two deputies then "swarmed" on him and started kicking and stomping him in the upper torso/rib area on both sides. He described the kicks as "toe kicks." Suspect Lee said he was rolling around on the ground to avoid getting kicked. He also yelled at them to stop kicking him. He did not know how long that lasted. He said he also got hit once with a baton on his right leg.

Suspect Lee said he rolled over onto his stomach at which time the deputies pulled his arms out from under him and handcuffed him. The male deputy placed his knee on his back to hold him down. He told the deputy that he could not breathe. Suspect Lee said he was eventually lifted up by his arms and placed in the police car.

Suspect Lee said he ran from the deputies because he had about a gram of methamphetamine in his car so he did not want to be arrested. He further said that he did not offer any resistance nor try to hit the deputies.

Suspect Lee complained of pain to right shin, left arm and left ribs. He also complained to pain to his knees caused by the fall.

IAB Note: *Suspect Lee was transported to "Tri-City Regional Medical Center" in Hawaiian Gardens where he was treated by the emergency room physician, Doctor Castillo. Suspect Lee sustained a broken left rib and left wrist, abrasions to his knees, and a laceration to his right shin. Doctor Castillo said Suspect Lee's broken wrist is consistent with injury sustained as a result of landing on his hands to break his fall. The other injuries are consistent with the degree of strikes during the fight between Suspect Lee and the deputies. Sergeant* [redacted] *obtained a copy of the medical records, which is included in this investigation as* ***Exhibit C****.*

Sergeant [redacted] took digital photographs of Suspect Lee's injuries. A printout of the photographs are included in this investigation as ***Exhibit D****.*

Suspect Lee was interviewed by Sergeant Green at the hospital. The interview was video taped. During this interview, Suspect Lee subsequently stated the same as his statement to Sergeants [redacted] The video of Sergeant Green's interview with Suspect Lee was digitally converted and recorded onto a DVD. A copy of this DVD is included in this investigation as ***Exhibit E****.*

Lakewood Station Watch Commander, Sergeant Joel Barnett # [redacted] went to the hospital and interviewed Suspect Lee. Suspect Lee, subsequently, stated the same as his statement to Sergeants Green and [redacted] The interview was video taped. The video was digitally converted and recorded onto a DVD. A copy of this DVD is included in this investigation as ***Exhibit F****.*

Sergeant Barnett prepared a supplementary report, under the file number 408-80328-1334-184. A copy of the report is included in this investigation as ***Exhibit G****.*

WITNESS STATEMENT

[redacted]

Witness [redacted] was interviewed by Sergeant Green immediately after the incident. The interview was video taped.

Witness [redacted] said he came out of "[redacted]" when he saw a female deputy and a male deputy in the parking lot. They appeared to be talking to a male Asian, whom Witness [redacted] saw minutes earlier smoking a cigarette while he stood next to a car in the parking lot. The female deputy was telling the male Asian about loitering in the parking lot and that this location was well known for narcotics trafficking. Witness [redacted] said he, too, was detained and the male deputy placed him in the back seat of a police car.

Witness [redacted] said he saw the female deputy continue to talk to the male Asian and she eventually started to escort him to a police car. Witness [redacted] then heard the male Asian say, "Fuck this" as he broke free from the female deputy. The male Asian then ran across the parking lot away from the deputies toward Bonfair Avenue and turn southbound. The deputies chased the suspect and out of view.

Witness [redacted] said he did not see the deputies hit Suspect Lee nor the suspect hit the deputies.

IAB Note: *The video of Witness [redacted]'s interview was digitally converted and recorded onto a DVD. Refer to the DVD under* ***Exhibit E*** *for further details.*

Sergeant [redacted] canvassed the area for additional witnesses but none were located.